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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,402

01/22/2004

Stephen F. Piller

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43935

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04/04/2008

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EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

NOTIFICATION DATE

DELIVERY MODE

04/04/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

miller@fraser-ip.com  
sloan@fraser-ip.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/762,402	PILLER, STEPHEN F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Van Bramer	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/22/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner et al. (PGPUB: US 2002/0073034).

Claim 1: Wagner discloses an automated advertising system for placing a customized advertisement on a television-network based system using an internet to generate said customized advertisement, the system comprising:

- a. An automated advertising server, including a web-based advertising database for providing a plurality of advertising categories, templates, and data fields on an internet display for an online internet user to select from and input information relating to said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])
- b. A payment system for providing billing costs based on advertising selections made by said online internet user and for receiving billing information for payment of said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

- c. A network interface for providing said customized advertisement to a programming center for scheduling said customized advertisement for display on said television based-network system. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])
- d. A cable broadcasting office for providing said customized advertisement to a site distribution for airing said customized advertisement at a scheduled air time. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 2: Wagner discloses a method of generating a customized advertisement on a television-based network system comprising the steps of:

- a. Providing access to a web-based advertising database to an on-line user. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])
- b. Providing a plurality of advertising categories on an internet display for said user to select a respective advertising category from, said respective advertising category relating to a subject matter of said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])
- c. Providing at least one advertising template on said internet display for said user to select from for generating said customized advertisement. (Fig. 3; Fig. 4;

Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

- d. Providing data fields on said internet display for said user to input information relating to said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])
- e. Configuring said information from said data fields to conform with said advertisement template for generating said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])
- f. Displaying said customized advertisement on said television-based network system. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 3: Wagner discloses the method of claim 2 wherein said television-based network system comprises a cable-based network system. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 4: Wagner discloses the method of claim 2 wherein said displaying said customized advertisement is displayed on a dedicated channel. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and

[0050] through [0055])

Claim 5: Wagner discloses the method of claim 2 wherein said displaying said customized advertisement is displayed on a channel lineup listing. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 6: Wagner discloses the method of claim 2 wherein said internet display comprises a website. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 7: Wagner discloses the method of claim 2 wherein said advertising categories are selected from the group comprising cars, trucks, real estate, employment, garage sales, recreation, general merchandise, events, announcements, and service/repair. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 8: Wagner discloses the method of claim 2 wherein said data fields comprise text data fields for providing descriptive information relating to said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 9: Wagner discloses the method of claim 2 wherein said data fields comprise a photograph data field for providing an image file relating to said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 10: Wagner discloses the method of claim 2 wherein said data fields comprise scheduling data fields for selecting a duration for displaying said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

Claim 11: Wagner discloses the method of claim 2 wherein said data fields comprise payment data fields for providing payment information for displaying said customized advertisement. (Fig. 3; Fig. 4; Paragraphs [0023], [0025], [0027], [0028], [0034] through [0039]; [0044]; [0045], and [0050] through [0055])

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Unold et al. (PGPUB US 2002/0055880); Holtz et al. (PGPUB US 2003/0001880); Cantrell (PGPUB US 2002/0103698; Wen (PGPUB US 2001/0047297); Amano et al. (PGPUB US 2002/0103704); and Sparks et al. (US Patent Number: 6,167,382) all disclose a similar method of providing on online access for advertisers to create advertisements that are to be distributed utilizing various means.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JV  
/J. V./  
Examiner, Art Unit 3622

/Eric W. Stamber/  
Supervisory Patent Examiner, Art Unit 3622



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